

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUSTIN B. WINEBURGH
and RACHEL SILL,

Plaintiffs,

v.

JAXON INTERNATIONAL, LLC and
BRADEN RICHTER,

Defendants.

CIVIL ACTION
NO. 18-3966

ORDER

AND NOW, this 27th day of April 2020, upon consideration of Plaintiffs' Motion to Amend the Complaint and Add Coda Industries, LLC as a Defendant (ECF No. 42), Plaintiff's Proposed Amended Complaint (ECF No. 42-3), Defendants' Response (ECF No. 48) and Plaintiffs' Reply (ECF No. 49), it is hereby **ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part:

1. Plaintiffs may file an Amended Complaint that includes Coda Industries as an additional Defendant;
2. Plaintiffs' Amended Complaint may include a claim against Coda Industries for breach of implied warranty of merchantability, as alleged in Count IV of the Proposed Amended Complaint;
3. Plaintiffs shall not include in their Amended Complaint:
 - a. Any claim against Coda Industries for violation of Pennsylvania's Unfair Trade Practices and Consumer Protection Law;¹ and

¹ Count I of the Proposed Amended Complaint.

- b. Any claim against any Defendant for civil conspiracy or alter ego / single entity liability;²
4. Plaintiffs may file an Amended Complaint consistent with this Order and its accompanying Memorandum on or before Friday, May 8, 2020.

BY THE COURT:

/s/ *Gerald J. Pappert*
GERALD J. PAPPERT, J.

² Counts V and VI of the Proposed Amended Complaint.